

Open Wide:

Answering the Anxiety of 'the Author' in Open Licensing

Eleanor Greenhalgh
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Let's face it: we're undone by each other. And if we're not, we're missing something.
- Judith Butler¹

0. Open Wide

A man is squatting, mouth open, waiting to receive the spit of a stranger. The performance is Joseph Mercier's *The Balkean Game*, and audience members are given three tries to perfect their aim.²

1. Introduction

“Why would anyone want to do that?” was one art tutor's response. Another described his reaction as “suspicious”.³

We weren't discussing *The Balkean Game* (of which more later) but copyright. More specifically, 'free' or 'open' licenses.

The initiative we were discussing, Creative Commons, says: “We work to increase the amount of creativity (cultural, educational, and scientific content) in “the commons” — the body of work that is available to the public for free and legal sharing, use, repurposing, and remixing.” They do this by providing 'open licenses' for use by cultural creators, to “help you keep your copyright while allowing certain uses of your work — a “some rights reserved” copyright.”⁴ The “rights reserved” can range from detailed provisos (for example, a veto on commercial use), all the way to a complete surrender of all rights (the public domain license).⁵ In other words, they help artists give away control of their works.

Founded in 2001, Creative Commons has grown out of the broader 'free culture' movement. For a definition of which, I am not ashamed to quote Wikipedia: a movement which “promotes the freedom to distribute and modify creative works in the form of free content”.⁶ After all, built by thousands of collaborators and with all content under a Creative Commons license, Wikipedia ought to know. This multitude of anonymous authors adds: “The movement objects to overly restrictive copyright laws. Many

1 Butler, 2004 p.19.

2 Mercier, 2010a.

3 These comments were made in unrecorded tutorials at Oxford Brookes University in November to December 2010.

4 Creative Commons, 2010a.

5 Creative Commons, 2010b.

6 Wikipedia, 2010.

members of the movement argue that such laws hinder creativity.”⁷ Creative Commons co-founder Lawrence Lessig elaborates: “Creativity and innovation always build on the past. The past always tries to control the creativity that builds upon it. Free societies enable the future by limiting this power of the past.”⁸ ‘Free’ or ‘open’ content has been defined in numerous competing ways, but the key features of ‘free’ and ‘open source’ licensing for our purposes are the freedoms it gives audiences to copy and/or remix works without asking permission, or paying.⁹

This all sounds well and good; in fact, it has been described by supporters and detractors alike as a kind of communist utopia.¹⁰ But on a personal level, as my tutor wondered, why would anyone want to do it? Is it merely a sacrifice for the common good?

The answer to this question is more complex and more elusive than the cultural or economic defences of open source innovation that free culture has produced in their hundreds.¹¹ By looking at the beliefs about creativity upon which copyright law rests, and considering some challenges to these beliefs, I will attempt to propose some answers to the pressing question faced by advocates of Creative Commons and other free culture initiatives: why should I give up control over my work?

2. Identity, Integrity, Anxiety

When I spoke to fine art students about their use of other artists’ work, most asserted bluntly that “nothing is original”, and described the ways that they use the work of others in their own practice: from making sketches for research purposes, to out-and-out appropriation in collages and installations.¹²

Most of them acknowledged the difficulty of defining when, exactly, this appropriated imagery made the transition to becoming their own work. One described his works as “collaborations” with the unknown artist from whom his imagery is taken. Another wondered, if an idea in a finished piece can be traced back to another artist’s work, should they be referenced? Another thought deeply about the point at which her appropriated ephemera became her own work, describing the process she subjects it to as a kind of “before and after”. Her ultimate rationale for a claim to authorship was that, when sticking an image to the wall, a piece of her hair had become trapped in the tape.¹³

7 Ibid.

8 Lessig, 2002.

9 For debate over the terms ‘free’ and ‘open’ see Wikipedia, 2010. Notably, the more restrictive Creative Commons licenses do not qualify as ‘open source’. I will use the terms ‘free’, ‘open’, and ‘open source’ interchangeably here.

10 For example Keen, 2008.

11 Notable examples include Lessig, 2008 and Boyle, 2008. Most of the key arguments are made by Adam Procter in Greenhalgh, 2010a.

12 Greenhalgh, 2010b.

13 Ibid. I will use the term ‘authorship’ here, despite its literary connotations, as there is no exact equivalent in the visual arts. I will also use the terms ‘artist’ and ‘author’; ‘text’ and ‘artwork’ interchangeably.

Being happy to acknowledge their dependence upon other artists' work for inspiration and source material, none seemed to subscribe to the idea that they alone had authored their works. They were, accordingly, remarkably open to the idea of making their work available for re-use by other artists. However, when asked how they might feel about this appropriation, more conventional notions of authorship reasserted themselves. They were anxious about their work being re-interpreted in ways they couldn't control, and their concerns were not so much financial as authorial. Some insisted that they would want to be credited; one said that, on the contrary, she would want it made clear that any derivatives were *not* her work. One commented that to put work online and allow appropriation was "a very very vulnerable situation to be in".¹⁴ Another, who (perhaps significantly?) managed to elude all my attempts to interview her, simply left a note on my desk saying that she might be up for sharing images but was "a bit nervous about people subverting my work". This concern was shared by all the students I interviewed, and even by an art tutor I spoke to who promotes open licensing to his students. Having confidently batted away financial objections, this was the one concern to which he replied, "I don't really have an answer to that."¹⁵

The anxiety expressed by these artists seems to be one of integrity; a concern over their identity as artists being compromised. Free culture has not, as yet, produced a satisfactory answer to these concerns. Its defence of open licensing generally hinges on the notion that ideas cannot be 'stolen' and that the 'tragedy of the commons' is irrelevant to intellectual resources which cannot be depleted and are therefore 'non-rivalrous'.¹⁶ These and other arguments for 'the commons' are proposed as a response to the discourse that figures creative works as property (more specifically, plots of land),¹⁷ which lies at the origins of copyright law. However, the fears I encountered were not financial or cultural, but personal.

These fears have a history, which needs to be understood before they can be addressed. They were first mobilized in the discursive struggle, waged by the London Stationers Company in the 17th century, to invent copyright in the first place. The stationers employed a number of graphic metaphors to persuade legislators that copyright was a 'natural' right. The most popular of these was not, at first, the more familiar one of land ownership, but of paternity.¹⁸ Investigating this neglected metaphor will take us closer to the heart of artists' personal anxieties than defences of the the much-discussed 'commons'.

14 Ibid, p.5.

15 Ibid, p.2.

16 Thomas Jefferson (cited in Boyle, 2008 p.20) most famously described the non-rivalrous nature of ideas, in a passage that free culture advocates often quote. Paley (2009) has helpfully put this idea into rhyming form: "If I steal your bicycle you have to take the bus; but if I just copy it, there's one for each of us". It is also discussed by Claude, 2009.

17 Rose, 1994 p. 38.

18 Rose, 1994 p.38.

3. The Author is Born

It is worth looking for a moment at the cultural assumptions that the Stationers Company had to displace before their proposed new copyright law (passed in 1710)¹⁹ would be considered justifiable. The publishers' problem was that their business model had relied for years on censorship law, which had become unfashionable with Parliament's increasing suspicion of monopolies and censorship, and eventually expired in 1695.²⁰ This law treated texts essentially as acts of speech. Those acts of speech which might arouse dissent were suppressed, with the Stationers Company given exclusive rights to print sanctioned books.²¹ With the demise of censorship however, a new way to justify exclusive printing rights was needed. This was achieved using a number of metaphors which, in line with the contemporaneous shift from regulatory to free-market political thinking, repositioned texts from 'acts', to objects of property which could be freely bought and sold.

Among the writers recruited by the stationers to promote their cause was Daniel Defoe, who had suffered under the censorship system and embraced the alternative of 'author's rights' enthusiastically.²² It was Defoe who most eloquently articulated the metaphor of paternity. This metaphor painted authors' creations as 'children', who were being 'kidnapped' by the 'pirates' of unofficial printing. A creative work was "the Child of [an author's] Inventions" which was "as much his own, as his Wife and Children are his own". Copying authors' works without consent was "every jot as unjust as lying with their Wives".²³

It's interesting to note that in order to be positioned as legitimate subjects of monopoly, literary works first had to be anthropomorphised. The term 'plagiarism' (first appearing, in the early 1700s, during this campaign to introduce copyright) is taken from the Latin for 'kidnapping'.²⁴ Illicit copy-makers became dramatized for the first time as 'pirates'.²⁵ The concept of piracy, perhaps even more widely used in the copyright battles of today, conjures a sense not only of deprivation but of violent bodily attack. (It stems, like the word 'peril', from a Greek word meaning 'attempt' or 'attack'.)²⁶

This discourse, and the copyright law it secured, gave birth to the 'author' as we know him. Unlike the humbler, more performative 'teller of tales' of the medieval period,²⁷ this author is endowed with autonomy and originality which must be protected from intrusion. The notion of authorial autonomy,

19 The Statute of Anne 1710 was the world's first copyright law. Rose, 1994 p.44.

20 Ibid p.33.

21 In the Royal Charter of 1577. Cited in Rose, 1994 p.12.

22 Ibid p.34.

23 Cited in Rose, 1994 pp.39-40.

24 Hoad, 1986 p.355

25 Rose, 1994 p. 32.

26 Hoad, 1986 p.354.

27 Rose, 1994 p.13.

therefore, comes with anxiety about its integrity built-in. To get beyond this anxiety, we need to look more closely at what this conception of artistic creativity leaves out.

4. Marriage, Exclusive Rights and Provenance

Let's return to Defoe's poetic description of plagiarism (kidnapping) as “every jot as unjust as lying with [authors'] Wives”.²⁸ If a creative work is the author's child (the “Brat of his Brain” as Defoe put it),²⁹ how does a literary pirate become a wife-seducer? It has been pointed out that Defoe's lumping of women and children into the category of property is a product of its patriarchal time.³⁰ But to understand what this metaphor tells us about authorship, we can go further. Like Defoe, we need to think poetically.

One theory of the origins of monogamous marriage holds that it serves primarily to guarantee the paternity of children, allowing for the transfer of property from one generation of men to the next.³¹ The certainty of paternity serves, therefore, as an important basis for both patriarchy and private property. Here we have a good explanation of the demand, made by patriarchal marriage, for exclusive sexual access to a wife. The father as owner, in order to own his children, must first in some senses 'own' her. How else would he know which children were 'his'?

Of course monogamy, like copyright, is not technically a property right but a limited-term monopoly. The monopoly in question is one over reproduction: of a set of words, notes or brush strokes; of a set of genes. Both serve a similar purpose: to protect the author's lineage from tainting by the unwelcome distortions of others. This patriarchal concept of lineage, used so heavily to justify copyright, is still familiar to us today. The 'right of paternity' is considered one of the most important protections granted by copyright, which artists are advised never to surrender, even when selling other rights.³² (It even persists in almost all open licensing schemes, with attribution usually considered one of the key requirements of re-use.)³³ However, this concept contains interesting contradictions that it may be worth digging into a little.

The notion that like engenders like, or author as father, of course, ignores the inconvenient fact that child-bearing is not simply the creative outpouring of a single subject but a process contributed to in equal parts by at least two people. The outcome, then – whether the 'product' is genetic or creative – will

28 Cited in Rose, 1994 pp.39-40.

29 Ibid.

30 Ibid.

31 Engels, 1958 p.221.

32 Ryding, 2010 says: “Never waive moral rights... First, and most important, is the right of paternity”.

33 Though this has not gone uncriticised by more radical free culture proponents. For critiques of the “attribution” requirement in open licensing see Cramer, 2008 and Researchers at the Economic Observatory of the University of Openness, 2009.

to some extent contain elements from each of its sources, as well as new ones forged by their union, in a combination that is hard to predict in advance. Such a being is of course familiar to free culture advocates, who might describe it in Lessig's terms as a 'remix', or a 'mashup'.³⁴

However in the patriarchal discourse that figures the author as father – *and thus sole owner* – the reproductive wife acts merely as a vessel, continuing the male line. Defoe's depiction of the creative work as “the brat of [an author's] brain” relies on erasing the other (female) parent. We have here an interesting example of what Luce Irigaray refers to in broader terms as the “fantasy of autogenesis” which characterises patriarchy: a fantasy of male self-replication which nevertheless, and hypocritically, both relies on and excludes the feminine.³⁵ Applied to artistic creativity, this fantasy posits that “raw material is not needed”.³⁶

Defoe's basic metaphor, then, which underpins both our law and our thinking about the genesis of creative works, is based on a denial. It begins with a faulty interpretation of child-bearing (or indeed agriculture) – positing it as a kind of asexual reproduction – and goes on to apply the same blind spot to the field of creative endeavour. Where for Irigaray, women play the role of 'raw material' to be activated by the rational mastery of men (and thus are devalued and erased),³⁷ the raw materials, sources and inspiration which are essential to the artist in the creation of their work are devalued and forgotten. Or as James Boyle put it, “the public domain disappear[s], first in concept and then... in practice”.³⁸

Thus, copyright could be accused of enacting the very plagiarism it claims to protect against. What the author's “child” is protected from, his “wife” must be subjected to: that is, an unacknowledged appropriation. This appropriation has not, however, survived entirely unnoticed. The students I interviewed had no qualms about admitting to their reliance on source materials to make new works, even if this reliance continues to be denied in the copyright that is automatically assigned to them.³⁹ However, the integrity of their works is challenged not only by this use of source materials at an early stage but also later on, by the audiences who the work relies upon to come into being in any meaningful sense.

34 Lessig, 2008.

35 Cited in Butler, 2003 p.43.

36 Boyle, 2008 p.164.

37 Cited in Butler, 2003 p.39.

38 Boyle, 2008 p.241

39 For Adam Procter's views on UK copyright law see Greenhalgh (2010a p.?).

5. The Author Dies

Let's return to *The Balkean Game*. To enact this performance the artist lays himself open to intrusion and, potentially, abuse. The bodily risk he highlights (the exchange of saliva) is accompanied by another, formal one. This formal risk, however, is the inverse of the first: the risk is not that audience members will overstep the mark, but that they will decide not to participate at all. The work can only be born when another person agrees (literally) to give their input. While it doesn't highlight a reliance on source material, *The Balkean Game* makes its reliance on other people explicit – to the point where, in a reversal of roles, the artist himself becomes the 'vessel'. It is a vivid physical metaphor for the inherent openness of any artistic undertaking.

Umberto Eco observed in the early '60s that all works are open to some degree of interpretation, and thus are always 'finished' only by their audiences.⁴⁰ This is true for all works, he claimed, from the most participatory happening to the most traditional novel. All works retain a certain 'unfinished' quality, whether we design for it or not, that invites participation. This could be as simple as the route a roving eye takes over the surface of a canvas. “In fact”, Eco asserts, “the work of art gains its aesthetic validity precisely in proportion to the number of different perspectives from which it can be viewed and understood.”⁴¹ This openness is not, then, a mere side-effect but a criterion upon which the success of a work can be judged.

Eco goes on to discuss the emerging artistic strategy of consciously incorporating this openness, highlighting and privileging it. This privileging of the unfinished, and the conscious positioning of audiences not as consumers but participants, has become a common strategy for artists today (of which *The Balkean Game* is but one, rather extreme, example). It has been described as one of the shifts that enabled the transition from modernism to postmodernism; a decentering not only of the author but of the idea of 'the work' itself.⁴²

In fact, for many contemporary artists, this process of participation is given greater prominence than any products which may result from it. For these artists, 'the work' resides in “process, presence and experience as much as the production of objects or things”.⁴³ A work is now “a period of time that has to be experienced, or the opening of a dialogue that never ends”.⁴⁴

40 Eco, 2006.

41 Ibid p.22.

42 Billing et al, 2007 p.8.

43 Live Art Development Agency, 2009.

44 Bourriaud, 2006 p.160.

Maria Lind has drawn together the various strands of 'relational', 'dialogical', and 'connective' art, emphasising that all privilege the *meeting of people* in the creation of artworks.⁴⁵ For many artists working in this field, the privileged moment of creation is located not in Defoe's lonesome childbirth – the solo artist in the studio – but earlier in the history of this “child”, in the very meeting of its many parents.

However, Eco holds back from the implications of his observations, retaining a privileged position for what looks like conventional authorship: open works offer an opportunity for “oriented insertion into something which always remains the world intended by the author”. The somewhat contradictory assertion that the author “does not know the exact fashion in which his work will be concluded, but... once concluded it will still be his own”,⁴⁶ is unconvincing given that, as we have seen, the very notion of 'the author' relies upon the conviction that he alone brings a work into being. How much disobedience on the part of an audience can such a work stand before it ceases to be “his own”? How much subversion, appropriation, creative mis-reading?

A few years later, then, Barthes and Foucault took Eco's 'open work' to its logical conclusion, dispensing with the notion of solo authorship – which they placed in historical context – entirely. Barthes replaces it with *scripting*, an explicitly citational performance (just as he replaces 'literature' with 'writing'),⁴⁷ which brings us back to the pre-modern 'teller of tales'. Foucault makes this link more explicitly, harking back to a time when “discourse was not...a product, a thing, a kind of goods; it was essentially an act”. Where historically this idea provided for censorship, it has been rediscovered in postmodernism as a radical refusal of commodification, privileging human relations over objects: “A common explanation is the wish to practice generosity and sharing as an alternative to contemporary individualism and the traditional role of the romantic artist as a solitary genius.”⁴⁸

As Barthes and Foucault realized, locating the audience's participation as the moment when a work comes into being is a disruptive conception of artistic creation, far removed from that proposed by authorship and copyright. A text is “a multi-dimensional space in which a variety of writings, none of them original, blend and clash... a tissue of quotations drawn from the innumerable centres of culture”. Barthes' analysis, like relational art, traces back from the childhood of the noisily-celebrated “brain brat” and discovers the forgotten “wife”. His “tissue of quotations” recalls a kind of womb where materials are combined. She is, accordingly, reinstated as a vital creative agent – along with the readers who pick up this child/womb and make of it, yet again, a source for something new. Free culture advocates articulate a similar understanding when they assert that “Poetry can only be made out of other poems; novels out

45 Lind, 2007 p.23.

46 Eco, 2006 p.36.

47 Barthes, 2006 p.44.

48 Lind, 2007 p.28.

of other novels.”⁴⁹ So, a creative work cannot meaningfully be described as autonomous at any point in its life cycle: it relies on other creative sources for its conception, and it calls for the readings of others in order to be born.

Again, where this is clearly true of intentionally relational works, it applies to conventional texts and images too. However, the artists I interviewed were quicker to embrace the death of the author in theory than in practice, sticking with Eco's reassuring conviction that a work of art, no matter how dependent upon others, remains 'theirs'.

While it seems strange that these two ideas could co-exist, many artists working today attempt such a reconciliation of relational practices with conventional authorship. One example: Wochenklausur is a collective of artists who, positioning themselves in the postwar tradition of socially engaged practice, “do their best to solve social problems with clearly fixed boundaries”.⁵⁰ I use this group as an example because their practice characterises this school of 'artwork as act' where we might expect to find authorship most fully displaced. And yet while they make use of democratic processes such as community consultation and participation, their projects (while being “collective efforts”) nevertheless “take place in the concentrated atmosphere of a closed-session working situation”.⁵¹ The “fixed boundaries” of their projects are fixed, albeit after consultation, by the artists. Even when the author has become plural, even when his material is the social fabric itself, he is resistant in this case to relinquishing his claim to origination and control.

Perhaps we are seeing the re-emergence of the author from the confusion of post-structuralism, or his desperate last gasps – whichever you prefer. What is clear is that two deeply clashing conceptions of creativity are tussling for prominence here. On the one hand we have the abandonment of solo authorship proposed by Barthes and Foucault, and carried into the digital age by the more radical sections of the free culture movement. On the other hand, despite these ideas becoming standard referents for art teaching and practice, we have a return to the idea that the artist is, after all, the 'father' of all that he creates. A father who keeps, thank you very much, “all rights reserved”.

But there is an incompleteness in Wochenklausur's account of their method, in which the artist enters and manipulates a community by which he is never himself manipulated. Where Irigaray depicts the self-replicating man as the “impenetrable penetrator”,⁵² so too is the artist portrayed here as always active, never receptive. Wochenklausur say: “in the proper dose art can change more than is assumed”.⁵³ This

49 Frye, cited in Boyle, 2008 p.34.

50 Wochenklausur, 2010b.

51 Wochenklausur, 2010b. The collective notes here the link between the word “klausur” and the English “enclosure”.

52 Cited in Butler, 2003 p.50.

53 Wochenklausur, 2010a.

likening of art to medicine marks a retreat from the radical project of elevating audiences to collaborators. Wochenklausur's social meetings are conceived not as a mutual exchange, but as the *administration* by the artist of a substance ("art") onto/into the social body. Again, the enabling audience/collaborator reverts to the status of a receptive vessel in which the artist's will materializes.

I would like to suggest that such a conception of the artist, which posits him as somehow above and beyond the social situations he enters (administering a medicine to which he is immune), is incomplete and dishonest. This fantasy of the author's autonomy/impenetrability bears the mark of the anxiety which was mobilized to invent it; anxiety precisely over his *susceptibility* to interference.

Let's take an example of what this interference might look like. Alan Boldon, an artist fascinated by our susceptibility to being 'impressed upon',⁵⁴ has applied this understanding to authorship more explicitly. His project *Dialogue* invited a series of artists, each asked to "come with nothing", to make a work in response to what they found left in the space by the previous artist(s). By the end of the project, he noted, the works had blended and overlapped in such a way that they were impossible to 'attribute' in any conventional sense.⁵⁵ It therefore gave a compressed glimpse of what open source methods might look like in the visual arts. Boldon has underlined that not only are artworks always a response to other artworks; they bear the imprint, in countless other ways, of the impressions to which an artist has been exposed.⁵⁶ What *Dialogue* demonstrates so clearly is true for other works, too: if our work consists in relationships and encounters, then it will by definition (as Barthes and Foucault noted) be *acted upon* at the same time as it acts upon others.

Foucault noted that in the age before texts became products, writing was "a gesture fraught with risks".⁵⁷ While we no longer have to fear the persecution to which he alludes,⁵⁸ his phrase seems a rather apt summary of the anxiety provoked by the idea of artwork-as-act, or the prospect of surrendering our works to the kind of appropriation encouraged by Boldon's *Dialogue*. In fact, Maria Lind locates the power of collaboration precisely in this fear, describing it as "a good instrument with which to challenge both artistic identity and authorship, and therefore to stimulate anxiety."⁵⁹

We have looked at the history of this anxiety over authorial integrity, from the 18th century to its persistence in the realm of relational art. What exactly is this anxious author afraid of? What is so

54 Greenhalgh, 2010c.

55 Boldon, 2010a.

56 Greenhalgh, 2010c.

57 Foucault, 2008 p.950.

58 Although the the accusations of espionage currently being made against Wikileaks founder Julian Assange serve as the latest reminder that this position is precarious; what is notable here is the interpretation of Assange's writing as a *criminal act*. For details see Sciutto, 2010.

59 Lind, 2007 p.16.

terrifying about the idea of “people subverting my work”, that has caused a retreat from the implications of a practice which acknowledges others as vital collaborators?

6. Entering into Relationship

In her writing on grief, Judith Butler identifies the risk inherent in our desire to connect with others: it “exposes the constitutive sociality of the self.” Perhaps relational art exposes this sociality and this risk too. Perhaps it, also, “displays the way in which we are in the thrall of our relations with others... in ways that challenge the very notion of ourselves as autonomous and in control.”⁶⁰ In the risky gesture of relational art, as in any relationship, “there is always a dimension of ourselves and our relation to others that we cannot know... I am other to myself precisely at the place where I expect to be myself...”⁶¹ We could read here a continuation of Barthes' critique of authorship: just at the point where we expect to author a work, we find ourselves *being authored*. Or, in Boldon's terms, we “come with nothing”, and “respond”. Butler summarizes: “Let's face it. We're undone by each other. And if we're not, we're missing something. ...One does not always stay intact.”⁶² In *The Balkean Game*, or in *Dialogue*, a refusal to 'open wide' would be to refuse the possibility of the work.

In their exposure of our constitutive sociality, open source methods and relational art bring both excitement and fear. The enthusiasm for alternatives to individualism, which has been cited as a key motivation behind collaborative art,⁶³ brings with it the spectre of “being undone” – an anxiety Butler knowingly alludes to. (“*Let's face it*”.)

For the students I interviewed, the subversion of their intentions through creative appropriation was a far more worrying prospect than that of financial loss. But we are opening ourselves to this subversion precisely at the moment we reveal anything. If this is particularly true for collaborative works, discrete art objects (as Eco and Barthes pointed out) are not immune either. To read a work is to appropriate it. To present something, anything, to another person is to invite its subversion; to invite its undoing.

Yet despite this, Butler urges us not to abstain. To be undone is not only inevitable but essential. If we refuse, “we are missing something”. What exactly *are* we missing that Butler alludes to here? By answering this question, we may find some ways to answer the anxiety that is aroused by surrendering the last scraps of authorial integrity. The “death of the author” does not sound a very appealing prospect from the position of an author or artist; I will suggest that there may be more humane ways to dispense

60 Butler, 2004 p.18.

61 Ibid p.15.

62 Ibid p.19.

63 Lind, 2007 p.28.

with authorship than with this terminology of bodily ruin.

7. The Risk of Love

Joining the other thinkers I've discussed, open source advocate Clay Shirkey has described creative works as collaborative acts rather than fixed objects. Speaking about the open source project Perl, he likens it to a Shinto shrine: a monument which is not fixed and permanent, but regularly re-made. It continues to exist, he says, because "millions of people woke up this morning loving [it]". It is not an "edifice", but an "act of love".⁶⁴ Shirkey's act is not, like Wochenklausur's, performed like an injection. It is more in line with Boldon's *Dialogue*. The *act of speech* has become, more specifically, the *act of love*. (Describing *The Balkean Game*, Mercier quotes Genet: the performer becomes "an object employed in a rite of love".) Shirkey gives an example of what this love entails. To answer the terror of commercial programmers at putting their faith in a community, he attempted to prove the efficacy of his method by posting a request for help online in the faith that it would be swiftly answered (as it was, before the meeting in question was over). So, love involves taking a risk – but note the certainty with which he was willing to take it.

Shirkey gives us one example of how we may be "missing something" if we refuse to relinquish our belief in creative autonomy. While this is a largely pragmatic defence of love, what is interesting in Shirkey's account is the paradox he articulates. The act of love is simultaneously a risk, producing anxiety, and a guarantee. How, then, can we secure this guarantee?

A number of writers, including Anne Carson, Simon Critchley and Raoul Vaneigem, have considered the paradoxical act of love as both risk and guarantee. They have all turned to a perhaps unlikely source: the work of medieval heretic Marguerite Porete. Porete claimed that to fully experience (divine) love one must annihilate the individual self, conceiving of love as "an act of absolute spiritual daring... that eviscerates the old self in order that something new can come into being".⁶⁵ (as in Boldon's *Dialogue*.) Here is a more satisfying example of what we may be missing when we refuse to be "undone" by love. Imagining herself being asked what she wants from love, Porete writes: "Alas, what should I want? Pure nothingness has no will at all, and I want nothing. ...She [love] is truly filled with herself. She is: nothing is if she is not; and therefore I say that it has completely assuaged me, and it is enough for me."⁶⁶ Porete undertook what has been described as the archetypal mystical endeavour: "a total self-donation".⁶⁷ And yet she describes herself as "filled" and "assuaged". Like Shirkey, she has put herself at the mercy of

⁶⁴ Shirkey, 2007.

⁶⁵ According to Critchley, 2010 p.66.

⁶⁶ Vaneigem, 1994 p.140.

⁶⁷ Underhill, cited in Oliver, 2009 p.9.

another, and yet been more richly rewarded than those who hold onto their property and integrity.

Vaneigem therefore rejects a simplistic reading of Porete as advocating, as Critchley suggests, “a masochistic emptying of the self”.⁶⁸ Rather, he reads her self-donation as “an alchemy of individual fulfilment, in which the creation of a superior state of existence... was achieved by a gradual relinquishment of the economy's hold over individuals.”⁶⁹ Her quest “is not the sacrifice implied by the law of exchange, but love of the self emancipated from individualistic selfishness and its exclusive appropriations; self-love that is enriched by what it offers.”⁷⁰

We see the same line of argument here that is used by free culture advocates. To relinquish control over our works is not a masochistic self-denial,⁷¹ but an embrace of the fact that ideas are non-rivalrous, and indeed (like love) multiply themselves the more they are shared. What we are relinquishing, therefore, is not our own security but in fact “the economy's hold”. We should not be misled by Vaneigem's economic terminology, nor by the way Porete's love is “mistakenly described as 'divine’”.⁷² What Shirkey, Porete and Vaneigem are all groping towards is a broader social project based on love. As Butler has articulated, to love is to surrender any illusion we may have of 'autonomy' – but this surrender to sociality is more than worth its cost. Huston Smith agrees: “Man is a social animal and as such lives as one will among others. ...not only is the notion of total control contradictory, it isn't even attractive. ...Life calls for balancing the rewards of control with the gifts that come to us through openness and surrender.”⁷³ And Daniel Defoe, take note: “To enter a friendship, to say nothing of marriage, with intent to control is to soil the prospect from the start.”⁷⁴

The greatest security, then, may be found in the very relinquishment of which we are so afraid. The 'death' of the author needn't be an annihilation to be feared, but an invitation to sociality which brings greater love and security than the illusory promise of autonomy. To 'open wide' is to permit the connections upon which our work relies.

68 Critchley, 2010 p.63. This is not to discount masochism as viable strategy to the same ends. For a recent continuation of the effort to re-position masochism as a radical escape from subjectivity, see Sokolov, 2009.

69 Vaneigem, 1994 p.249.

70 Vaneigem, 1994 p.256.

71 As is frequently claimed by free culture's opponents. For a recent high-profile example see Kravets, 2010.

72 Vaneigem, 1994 p.252.

73 Smith, 2003 p.137.

74 Ibid.

8. Conclusion

The death of the author has proved to be an artistic idea more attractive to artists in theory than in practice. While many acknowledge their reliance on other people to bring works into being, the idea of relinquishing the right of paternity still meets resistance. I have suggested that the source of this resistance is anxiety about being “undone” by the sociality, revealed in artistic creation and especially in relational art, which constitutes us. The pragmatic or economic defences of the relinquishment of rights offered by open source advocates do not satisfactorily answer this anxiety, as demonstrated by the students I interviewed who were more worried about misappropriation than financial loss. However, if we look more closely at what this undoing actually feels like (the surrendering of control in the act of love), we see that the rewards are richer than the control which is surrendered. The exact nature of these 'rewards' will vary with the circumstance: from the material gain of having embraced a risky new business model, to an increased pool of readily available source material, all the way to the more spiritual ones of enjoying “the gifts that come to us through openness and surrender.”

Of course, this invitation to love assumes that the collective 'other' to which we surrender our integrity is worthy of it. One free culture advocate concludes that, while he may suffer disagreeable appropriations, openness is worth the costs in the long run.⁷⁵ But the question this opens over the inherent goodness of people in general is a much bigger, perhaps impossible one, to answer. For now, maybe we can take our cue from the open mouth in *The Balkean Game*. Its invitation to connection is so powerful precisely because it doesn't discriminate. It stands, perhaps, for the longing that continues to lead us into even the riskiest of encounters with others.

⁷⁵ Greenhalgh, 2010a p.2.

Appendix A.

Interview with Adam Procter (edited transcript)

Associate Teaching Fellow in Digital Media, Winchester School of Art.
<http://www.adamprocter.org>

This interview was conducted online by Eleanor Greenhalgh in November 2010. Adam Procter describes his motivations and methods for promoting Creative Commons licenses to visual arts students.

Eleanor Greenhalgh: Thanks for agreeing to chat with me. I'm interested in hearing your thoughts, because I've been trying to find examples of Creative Commons (CC) being used in art schools and I couldn't find much.

Adam Procter: Yes – finding *anything* that's CC was difficult until quite recently. Here, we're generally trying to encourage students to use it, mainly because of distribution. With our final year students, we talk to them about alternative distribution methods. We ask, 'is it better that your image is available for people to share and look at, or is it more important that it's on the shelf for someone to buy, and no one's allowed to do anything with it?' But still, at the degree show, we get students pinning up notices saying 'no photos' – when obviously that's just going to restrict getting them known.

EG: So is distribution your main motivation?

AP: For the third years, yes. For the first years, it's more about introducing copyright. And based on that, normally the penny drops that this is actually really bad for artworks, because everything is so controlled. And art, as everyone knows, has been built on previous pieces of art, etc. A lot of fine art students will suddenly say, 'So I can't make this without getting permission first?' So it's another avenue – we say, 'here's how to go and find work using the CC search, and here's how you might want to allow others to build upon your work.'

EG: When I mentioned CC to my tutor the other day, her response was, 'why would anyone want to do that?' Why do you think your students would want to license their works in this way?

AP: There's a Cory Doctorow quote I use a lot, which is: "I'm not worried about piracy, I'm worried about obscurity". If you copyright a work, you're really restricting how it can be used. Technically, you can only have it on your page – that's it. If people take it and put it somewhere else, they should have asked you first. Now nine times out of ten that doesn't happen, but it's supposed to. So it's about at least acknowledging this. And maybe you don't use the 'freest' of CC licenses, if you're that bothered about holding on...

So we say to students, 'technically, you have control of the work straight away. But do you want to put people off from enabling it to be seen by more people?' It also comes down to, where do you want to make the money? That's the big objection: 'I'm going to lose money'. But for artists, the money is *you*, not necessarily that painting. You can still sell the painting, but if you've enabled it to be shared in some form, you're also selling the next job, because someone likes the way you do things.

EG: Have you come across any other objections to using CC licenses?

AP: Yes, the other objection is the re-use of your work for something that you may not agree with, or didn't want it to be re-used for. That's a difficult one to get round. I, for example, have a photo of myself and Boris Johnson. I put it online with a CC license, allowing for remixes. So someone took it – chopped me out, obviously – and I found the remaining picture of Boris on a poster, in a campaign telling people not to vote for him. Now, I wasn't particularly 'for' or 'against' in this case – but of course on the poster, it says 'photographed by Adam Procter'.

So, if you allow for remixes, what happens if a portion of your artwork is chopped up or placed into

something that you didn't intend it to be – or something in complete opposition to your views? But because they have to attribute you, your name then appears in the credits. I don't really have an answer to that, except 'don't allow remixes'... I don't know. It's a difficult one. But I do think that those 'cons' are outweighed by the benefits in the long run. If my picture of Boris Johnson got used for one thing I didn't agree with, but I got ten jobs from being able to take pictures like that, then I'm not going to worry too much about that one use.

EG: What have been your students' reactions when you introduce them to CC?

AP: Well, they don't know about it, firstly. The first years don't know anything about copyright, and how it affects the art world. We get them interested by using music examples – looking at artists who've been sued, or where work has obviously been borrowed. Then they are usually quite enthusiastic about CC, because they see how copyright is used restrictively by people with lots of money.

It's about them; about making work. So, we have a graphics student who is making a magazine, with photos from CC. He realizes that's going to be the quickest way to produce his work. He's not going to have to spend years getting permission for every photo. So, it's a positive thing for students who think, 'oh, I *can* make work, but I have to look for CC images'. Whether you agree with copyright law or not, I can't tell students to break the law, so it points them to sources they can legitimately use. So then if their work becomes publicly available, they don't have to worry. With film students, particularly, if they haven't thought about rights, it's a real problem when they want to go and screen their work elsewhere. By the time they've gotten clearance, the event where they wanted to show their film is long gone.

EG: Have they been as willing to share their own work as they've been to use other people's work?

AP: It's difficult to quantify. I suppose you'd have to do a proper survey. Some students 'get it', and get quite enthusiastic about it. Some get a bit slushy about wanting to make the world a better place. But I don't know how to quantify it, and I wouldn't even know where to start. Although a lot of them are using images where the license specifies that you, in turn, have to use the same license – for example, this graphic student's magazine will probably have to be released under a CC license.

But a lot of people just want to own the rights to their stuff, and they don't even think about it. A lot of people don't realize that no one else can use it; the problem with copyright is that it's automatic. In the past, it was something you had to apply for, like a patent. So we're telling students that their work is restricted – and *some* people won't re-use copyrighted works, because they know the law.

EG: I mentioned that I found it hard to find examples of CC in the visual arts. Do you have any ideas about why it hasn't caught on in this field, unlike in music and software?

AP: I suppose it's because artists are quite used to appropriation, and the law hasn't gotten in the way yet. The only case I can remember off the top of my head was one involving Damien Hurst. But as soon as there's a big case that suddenly awakens visual artists to the fact that appropriation art could be taken over by corporations, or big artists, then I guess people will start thinking about it more seriously. But, as I said, our first years don't know anything about it. They don't realize that making remixes, or statements on things, in the UK at least doesn't even come under 'Fair Use' [the US copyright exemption] – that doesn't exist. 'Fair Dealing' in the UK is a nightmare. But I don't think many people are aware that we don't really have a Fair Use policy.

But I think that's because, as I said, you ask any artist about a painting and they'll reference four or five other artworks that have obviously influenced it. They might say, 'that influence isn't enough to enact copyright' – but you wait until some smart lawyer figures out how to do it, and there's an estate big enough, then that might cause a shift. If Andy Warhol had been sued for using Marilyn Monroe's photograph... I wonder how long it took him to get those rights. Or was he such a big artist he didn't need to bother? Until something big like that happens, no one's going to get too worried about it.

The other big problem for artists is that there's nothing in the public domain. It's a big problem for archivists, as well, trying to digitize work – there are horrific stats about the amount of film works, for example, that are lost because people can't figure out who owns it in time to digitize it before the film degrades. People look at piracy and think copyright's a good thing because it stops you downloading a film – but it also stops people

saving that film for future generations. It also stops artists from taking a portion of that film, to take the mickey out of it or do something else with it. No one discusses that. All you hear is 'piracy'.

EG: Some people say that going to look at works should be sufficient for artists to get ideas and inspiration, you don't need to actually copy them. What would you say to that?

AP: Yes, you can go and look at works without infringing copyright. Crumbs, if that was a copyright infringement, we'd be in big big trouble! But the reason I get worried about it, and you can see this in some of the music cases, is that some bright spark judge will say 'this sounds like that'. But if you picked it apart, actually it's a *note*, that anyone could play. You can't copyright ideas; surely you can't copyright individual notes? Or individual brush strokes? But we're seeing cases where inspiration, at the smallest level, is being considered a copyright infringement and is being sued. There's tons of music that can't be released because it uses samples that haven't been cleared. That's really starting to encroach on *influence*, because you're looking at the essence of something, what makes it up – the brush strokes, it could be. Let alone the fact that you can't make certain political statements, because you can't use an image of whoever, or whatever. It encroaches on free speech. Maybe it's just not a problem in the art world, and no one worries about suing each other in that sense. But copyright is getting so restrictive, making new works is the problem. So, even if no one comes out and sues, people worry about it.

EG: Do you have any advice about speaking to fine art students about these things? What are the things they care about?

AP: They care about being able to make art – so explaining the restrictions is important, because they start to get worried that they can't make the art they want to. Especially as a lot of them use things like collage. So that points them to looking for work they can legitimately use, like CC. Then realizing that this helps them to build on work, it's more likely that they'll share their artwork in a similar fashion. Also, point out that, as is generally understood, nothing is new. There has to be some sort of 'building upon'.

Then, at the degree show, knowing that if they let people use their images – to write about it, blog about it – they're more likely to get someone ringing them up to make another piece of work. That's going to get you more into a career than simply selling your one painting at the degree show for a couple of grand. It gets people to know who you are. There are thousands of students graduating every year. For photography students, there are around 5,000 jobs across Europe, and something like 50,000 graduates. How are you going to land one of those jobs? By your work being seen. You can still hold onto the selling rights, but if you allow your image to be re-used, those employers are more likely to see your work. There's only one week, one private view, for the degree show. That guy from the agency in London isn't going to remember your work if he can't take a photo on his iPhone, and blog or tweet about it.

Appendix B.

Interviews on Appropriation and Copyright: 3rd Year Fine Art Students at Oxford Brookes University, 2010.

1. Interview with Claire Hallin (edited transcript)

This interview was conducted by Eleanor Greenhalgh in the studio at Oxford Brookes University Fine Art Department, November 2010.

Eleanor Greenhalgh: Can you describe these images you are working on?

Claire Hallin: Sure. This is a record – vinyl – cover that I found in a charity shop [fig. 3]. I'm using it in dialogue with other objects. I haven't altered the image at all, except with duct tape. And this is a postcard I found in a charity shop, and put a sticker over the person's head to disguise their identity. This is an image, I think from the Guardian, of Bonnie and Clyde [fig.2]. And I've stuck other images over their heads.

EG: What do you like about using found images rather than using your own images?

CH: I think for me it's the immediacy of stocking images – I don't have time to draw everything myself. And I couldn't draw that image myself; it's quite detailed.

EG: You use a lot of retro imagery. What is it you like about that aesthetic?

CH: I guess it's the feeling and the quality of the images you get. I like newsprint, things which are pixellated. Maybe it's an era thing.

EG: We chatted about copyright earlier. What about copyright? Is it something you ever think about?

CH: I guess at this stage I don't ever have to worry about it, but if I was going to exhibit my work it's probably something I would have to look into. But I'm quite into a lot of artists who appropriate images, and source objects that might infringe copyright. Like Christian Marclay, who uses lots of vinyl, and also music as well. Do you think anyone ever gets on his back about it? Or Paul McCarthy, he uses people – even presidents and celebrities – and appropriates them. Really inappropriately, in really sick ways, sometimes. But it's not something I really feel concerned about. I usually alter the images slightly, or appropriate them for something else.

EG: Do you feel that what you're doing with these images is a 'fair use', then?

CH: Yes. My concern would actually be about relying too much on sourced images that aren't my own. That's something I'm concerned about, because if you just find an image that looks cool on its own – at what point does that become your own work? Or just a rip-off? That's probably a contradiction in my work, but I do enjoy those contradictions, and trying to figure that out.

EG: So that vinyl cover, for example: at what point does that become 'your' work?

CH: I guess it's when it's in dialogue with other things that make sense. It feels more like an object than an image to me. And when it's in dialogue with other objects, it starts to make a bit more sense.

EG: If you made your work available – for example, if you put it online – how would you feel if other people used it in a similar way?

CH: I would be flattered. I think when you put them online, then they're probably not 'your' images any more, are they? I think it's a free-for-all, online. I think I would be happy if people used my images, as long as they clarified that what they made with them wasn't my work, and that it had become their work. Some people think you can own images, but I don't think you can. So yes, put it all online! But the only thing, is that people will obviously make something better than what I've made. I'd feel a bit jealous of that.

EG: A lot of people wouldn't be happy with putting work online and letting other people use it.

CH: Yes, because it's a very very vulnerable situation to be in. I was looking at an artist the other day whose work is quite cruel sometimes; quite a sick sense of humour. And he'd basically slagged other people's work off in his studio, with big arrows pointing to them...

EG: Would it interest you, to see what other people might do with your work?

CH: Yes, maybe. I think I don't always push my work as far as I could, so maybe other people could take it further. It definitely interests me, but obviously it becomes other people's work, and not your own.

EG: Do you think there can ever really be a point where one person's work ends and another person's work starts?

CH: [Pauses.] Um... yes. I think there is a clear... it feels more like a 'before' and 'after'. These are all clearly 'my' images now; if someone were to modify them, they would become something else – maybe better, maybe worse – and they would read differently, which is interesting. But I don't really know!

EG: Well, the person who took that photo would probably say that it was 'their' work [fig.3].

CH: But then when you put it in a new context... And it's got my hair on it as well!

EG: Does that make it more yours?

CH: [Laughs.] That's what I was thinking! Because even this [putting duct tape on it] is modifying it; it turns it into something more aggressive. Because there's something very ugly and sinister about that smile – it's so insincere. Don't you think?

EG: So you're subverting it?

CH: Yes. If you put it alongside other objects, it changes into something different. I'm putting it into a different context, and changing the reading of it – from being singular, to something else.

2. Interview with Robert Shackleton (edited transcript)

This interview was conducted by Eleanor Greenhalgh in the studio at Oxford Brookes University Fine Art Department, November 2010.

Eleanor Greenhalgh: So why do you use found images in your work? What does it give you?

Robert Shackleton: With found objects, I think it's a sense of taste. I've grown interested in the 'bottom of the skip' – these things that were maybe once used for something great, something that was once very important to someone, and then making it important again in a different, artistic, context. I use a variety of media in terms of found objects – like old picture frames from charity shops, that no one cares about any more, that probably once had an image that represented a lot in someone's life. And then I'm using it and making my own artwork out of it. I like the idea that these things were once used by somebody, and once had a different purpose.

EG: What about this one here, where you have painted over someone else's picture? What were you trying to do with that one?

RS: This one is called *Pheasant Shooting*. I've just covered the entire painting with gaffer tape, rope and paint, just leaving an image of a dog and the words 'Pheasant Shooting'. So I've done a composition over the top, but leaving a tiny bit of the painting, so it still has that sense that there's an art object there – it's just got two different approaches to it. I like to leave a little bit of the imagery, that makes you think 'what's behind the painting? What's happening here?'.

EG: Some people might say that the image you've painted over is someone else's work. Why couldn't you have made your own picture, and then painted over that?

RS: Because these are paintings that are found in charity shops or skips, they are unloved paintings. It's a sort of collaboration, between this artist I don't even know, and my work. I'm interested in when something's become unloved, disused; I like to turn it into something that I can relate to more, and that's given an artistic context. So when I've taken a painting and painted over it, which is the artwork? Is it their work, or is it...hm. It's an interesting question.

EG: Is *Pheasant Shooting* entirely 'your' work?

RS: No. I didn't make the frame, I didn't paint the original painting, I've just made a composition over the painting. So you could say it's a collaborative work. There's one piece that I enjoyed doing, called *Ship in Full Sail – Tempura* [fig.4]. And originally this was another painting, but I took the painting out because I wanted to do my own composition. But when I took the painting out I had to take off these worn, sun-faded bits of masking tape, where the shop-owner – or maybe the bloke who framed the painting – had written the title. So I was collaborating not with the artist, but with someone in a shop who had put some masking tape on the back of the frame.

EG: You've mentioned that you take 'unloved' objects. Do you think what you are doing with them is 'loving'? It seems quite aggressive; you are destroying them or making them into something else.

RS: I've never considered myself to completely destroy these works. But you're right, it's like I'm hacking away at them. Some of them are quite 'in your face'. But it's not like I dislike what I'm working with and I want to attack it.

EG: Would it be different if you were using images that hadn't been forgotten about, but were still in currency – say, taken from someone's website? Would you do that?

RS: Yes, of course I would. I'd be very up for that kind of work – I love the idea of 'bouncing off' people's work.

EG: But you've used these artists' work without their consent. Is that OK? Would you be OK with people using your work without consent?

RS: Yes, absolutely. When I was younger, I was worried about putting anything out there into the universe, because I was worried about people copying it and imitating it. But nowadays, you know what? I don't really care. I like the idea that people are allowed to work with my work, and that they can take that image and do as they wish.

EG: But in law in the UK, as soon as you make that image you have copyright in it. Other people can't actually use it. How do you feel about that?

RS: Um... So hold on, you're saying that I get a piece of paper and put a line on it. Is that then copyrighted, no one can use it?

EG: With limited exceptions, yes.

RS: I don't think that's a good thing! I wouldn't like to think that I've painted this line on the back of someone else's work and that that is copyrighted, that no one can actually use it – because I'm quite interested in the idea of people adding to work as well. [Pauses.] So hold on... I'm quite interested in this actually. Say someone's made that frame, that isn't me. For example this one, with the cat, which has been painted over but there's a tiny bit of the cat revealed. Is that my work, or his work copyrighted? Would you know?

EG: That's a very good question!

RS: [Laughs.] I want to know, is that copyright Robert R. Shackleton, or copyright the bloke who painted the cat? I'm not sure.

EG: One last question. If you were to design your dream copyright law, what would it say?

RS: I think people want different things. I think if I were to do a fine painting, and if I were to browse the internet and find that someone had displayed it as their own work, I would be annoyed. But if they had said, 'this was originally painted by...', I would be fine with it. The idea is crediting the artist behind the work, in a perfect world.

But copyright should maybe be up to the individual. I think it would be great if we could all write our own copyright. Because there are some things that I've done, that I think, 'ah, this is the best thing I've ever done! I don't want anyone to get their hands on it, I'm worried about releasing it into the universe', but then there's some stuff that's like 'yeah, you can do what you want with it. You can even add to this image, or call it your own if you want. Maybe it's just the framework for your thing'. So it would be great if, for each image we do, we could write our own copyright.

3. Interview with Janey Carline and Jenny Wylie (edited transcript)

This interview was conducted by Eleanor Greenhalgh in the studio at Oxford Brookes University Fine Art Department, November 2010.

Eleanor Greenhalgh: Can you talk us through the research you have here, Janey?

Janey Carline: Yes, these are images I found on the internet that relate to my project's theme. I just did a Google search, then downloaded them and printed them off. Sometimes I just look at them, sometimes I do drawings from them, sometimes I print them off for reference – it depends what I need them for.

EG: Do you use anything like Google image search, Jenny?

Jenny Wylie: Not so much the image search, but I'd be looking for a particular artist. I'd be interested in the area they're working in. The image is secondary to the subjects people are working with to lead them to that resolution. I was in the Tate a couple of weeks ago, and came across an artist who looked like they might be working into an area I'm quite interested in. So I went on the Tate website, and then from that went to his website. But I'll often just spend time in the library, looking around.

EG: Our tutor has mentioned copyright in our seminars a few times, and taking care because images are copyrighted. Do you feel that copyright is an issue for you?

JW: I don't think that I would have any qualms about printing off anything from the internet, and putting it in my sketchbook to work from. I think it starts to get interesting if, in what you finally produce, you can 'follow the stream' from that work. Then should there then be some form of reference? Do you acknowledge that the theme has come from this particular work, even though what's led you to your outcome may be miles away? But is it any different from spending hours in front of a painting in a gallery, and transcribing that in different forms? Is there really any difference? I don't quite know what the rules are around that.

JC: I just think artists are always recycling the work of other artists all the time.

JW: Because there's nothing original, is there?

JC: No, there's nothing really original.

EG: So when you're thinking about how to credit your sources, is it a legal worry, or more of a moral concern about giving people their fair due?

JW: It's more to do with being fair to where your ideas have come from.

EG: And if you put your work online, how do you feel about the way people should use it?

JW: Well, do you expect people to do with your work, what you would like to do with theirs? I think if you have a history of respecting other people's work, it's not unreasonable to expect people to do the same.

JC: But if you put work online, that's because you want to disseminate it, isn't it? If you wanted to keep it secret and private, you wouldn't put it online.

JW: Once it's out there in the 'ether', there's not much you can do about it, is there?

JC: Yes, when you put something up online or on Facebook, you're accepting the fact that anyone can have access to it. You have to be happy with that.

EG: You have some photos here that make use of other people's work, Janey. Could you tell us about them?

JC: These are still images from two films, one of which was of trees and leaves in the park. And the second bit of film was in the lobby here, of some sculptures [by Brookes foundation art students]. I've layered the sculpture film on top of the tree one and made it semi-transparent. It creates a mysterious space of suspended objects. The sculptures have gone from 'inside' to out.

EG: Have you spoken to the artist whose work you've used in this film?

JC: No... I ought to track them down, and let them know I've been using their work! But I assume the fact that they've hung it in the lobby means they're happy for people to take pictures of it, make films of it, or whatever. Otherwise they wouldn't have put it there.

EG: How would you feel if you found out that another artist had used one of your images to make a collage or something?

JW: I suppose it depends on how it's used. If they've followed the guidelines you've set out, then that's fair enough. Unless it was really something very unpleasant...

JC: I think I might be a bit flattered. But I'd like to ask them why they chose it. And I suppose, as Jenny said, if they did something very opposite to what my intention was, I might not like that.

JW: Or even to twist the meaning, completely. To know what your intention was, but then to do something so different from the way that you are and the things that you support.

Appendix C.

Correspondence with Alan Boldon on *Dialogue*

Edited email correspondence between Eleanor Greenhalgh and Alan Boldon, November 2010. Alan describes the thinking behind his project Dialogue, which took place at Dartington College in 2004.

Eleanor Greenhalgh: Each work made during this project was a 'response'. Do you think this is true of all artworks?

Alan Boldon: The quick answer is yes. The longer answer may begin with making a distinction between abstract and non-figurative work but even this gets messy. Abstract is abstracted from something known. Figuration can mean the figure or in an extended sense mean something recognisable and so the two terms get confused. But this at least begins the work of trying to make a distinction between making work that is in some way based upon experience of the world as we experience through the senses and consciousness and that which may seem to come from elsewhere. Anton Ehrenzweig writes about inarticulate form in an effort to try to get at this.

Another way to approach this would be through Gadamer. If all that we know and have learned and think is normal and natural etc. is a set of prejudices then we are to a large extent locked into a world view and perhaps isolated from others who do not share this world view. Also, and crucially, this could be manipulated in order to maintain control over others which is the thinking behind the idea of hegemony. If we follow this line then all work is bound to be a response to - or at least heavily conditioned by these conditions of our being.

EG: This project seems to question the 'Romantic' notion of solo authorship. What is your opinion on this view of authorship?

AB: I am interested in ideas about 'flow', 'morphic resonance', 'systems thinking', 'collective unconscious', 'hive mind'... there is an overlap in what these ideas or idea terrains are describing - it is a blurring of what in psychoanalysis is called 'the me-not me' - the edge of what appears to be me and that which is distinct from me.

The project of the enlightenment has kind of won out for the moment and a big part of that project was to free people from superstition but there was a cost. Descartes decided that only human beings have a soul so all else is an object that we can act upon. It was a direct challenge to animism - the idea that the world is alive, as the American psychologist James Hillman says 'soul is not in us, we are in soul'. This is an old idea that predates the romantics but nevertheless in the romantics there was plenty of interest in rapture and ecstasy and in communion. Keats talks about the whole world respiring with meaning. There is in this, perhaps the idea of a lone genius and heroic individual, but also there is a sense of relationship and of deep connection that can also be described by some of the search terms above.

Images

To main text & appendices



Fig. 5. (Above) *Intercultural Intersections*. Wochenklausur, 2009.



Fig. 1. (Above) *The Balkean Game*. Joseph Mercier, 2010.



Fig. 2. (Top) *Work in progress*. Claire Hallin, 2010.

Fig. 3. (Above) *Work in progress*. Claire Hallin, 2010.

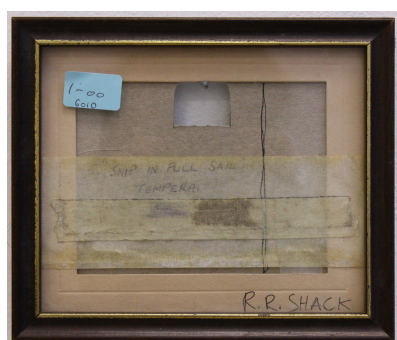


Fig. 4. (Left) *Ship in Full Sail: Tempura*. Robert Shackleton, 2010.

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